

WASHINGTON STATE HUMAN RIGHTS COMMISSION

2006-2011 STRATEGIC PLAN

Mission Statement:

The mission of the Washington State Human Rights Commission (WSHRC) is to eliminate and prevent discrimination through the fair application of the Law, the efficient use of resources, and the establishment of productive partnerships in the community.

Overview

The State Legislature created the Washington State Human Rights Commission (WSHRC) in 1949. Washington has been a pioneer in civil rights for over 50 years. Under the Law Against Discrimination, RCW 49.60, WSHRC receives and conducts impartial investigations in the following areas:

Statutory Authority:

WSHRC enforces the Washington State Law Against Discrimination, RCW 49.60.

	Race – Color	Creed	National Origin	Sex	Disability, HIV, and the Use of a Dog Guide or Service Animal	Marital Status	Age (40+)	Affirmative Action – RCW 49.74	Families with Children
Employment: RCW 49.60.180,190,200,205	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Real Estate: RCW 49.60.222,223,2235, 224,225	Yes	Yes	Yes	Yes	Yes	Yes			Yes
Public Accommodation RCW 49.60.215	Yes	Yes	Yes	Yes	Yes				
Credit: RCW 49.60.175,276	Yes	Yes	Yes	Yes	Yes	Yes			
Insurance: RCW 49.60.178	Yes	Yes	Yes	Yes	Yes	Yes			
Whistleblower / Retaliation: RCW 49.60.210									
Health Care Whistleblower: RCW 43.70,70.124,74.34									

In addition, RCW 49.120 authorizes WSHRC to:

- Adopt suitable rules and regulations to eliminate and prevent discrimination,
- Issue publications and findings that promote goodwill and advance the agency's mission,
- Conduct and publish technical studies that further the agency's mission, and
- Foster good community relations through seminars, training, and educational programs.

The Governor appoints the five Human Rights Commissioners to staggered five-year terms. They provide the policy framework for the agency and appoint the Executive Director. The Commissioners make the final decision on all complaints investigated by staff, except for those reasonable cause cases that are certified for hearing before an Administrative Law Judge. The Commissioners meet monthly at different locations around the state.

The Commissioners delegate authority for daily operations and management of the agency to the Executive Director. WSHRC has four offices in the state, located in Seattle, Spokane, Yakima and Olympia (the headquarters office).

Intake

The information and phone center is centralized in Olympia. WSHRC's phone center, with three staff, receives about 1500 calls per year. Staff assist complainants with the drafting of their complaints.

Investigations/Alternative Dispute Resolution

WSHRC received 1065 new complaints of discrimination during FY 2002-03, of which 82% were in employment, 11% were in housing and 7% were regarding places of public accommodation.

The time to complete an investigation can be from a few weeks to six months or more. The Commission offers alternative dispute resolution to complainants and respondents to expedite investigations, but this option is voluntary. Complainants and respondents have the right to be represented by an attorney. However, many complainants and small businesses do not have the resources to hire private attorneys.

Compliance Reviews

WSHRC is responsible for reviewing and enforcing all settlement agreements that are approved by the Commissioners. In 2003 the Commissioners approved 91 settlement agreements that required compliance reviews.

Training, Education and Outreach

As part of its mission, the WSHRC is responsible for educating employers, housing providers, businesses, state agencies and others on their responsibilities under the law. In 2003, 1200 employers, housing providers, state agencies and others received formal training on the law.

WSHRC is also responsible for educating the public, employees, tenants and others on their rights and responsibilities under the law. The agency uses different venues for outreach, such as posters, pamphlets, informal orientations, radio, television, newspapers, and our website. During the last two years, WSHRC expanded efforts to educate new immigrants, refugees and farm workers on the law. The agency offers informational pamphlets in Spanish, Russian, Chinese, and other languages other than English; translated documents on the website; and taps the bilingual skills of its staff to conduct informational sessions on the law throughout the state.

Goal #1: Increase Public Awareness on the Law Against Discrimination.

Vision: The Commission will have updated technology to provide wider visibility on the Law Against Discrimination throughout the state for all persons regardless of their socio-economic status, national origin, creed, or disability. WSHRC will create productive partnerships with other organizations to maximize resources in carrying out the law. An updated technology system will allow the Commission to educate small business and other potential respondents statewide on the law.

Objective: Increase access to information about the Law Against Discrimination to those who have rights under the law and those who need to comply with it.

Strategy A: Provide education on the Law Against Discrimination to individuals with disabilities and persons with limited English proficiency.

Activity 1: Develop and implement a statewide training, education and outreach plan.

Activity 2: Collaborate with other civil rights organizations throughout the state to develop and implement a statewide civil rights plan.

Strategy B: Conduct statewide training that is accessible and available to those who need to comply with the Law Against Discrimination.

Activity: Study and develop online training for individuals, community organizations, and private businesses.

Goal # 2: Increase agency's visibility and credibility by being recognized as the leading experts on civil rights issues.

Vision: Legislators and other stakeholders will have a better understanding of the critical work of this agency and support the WSHRC as it endeavors to prevent and eliminate discrimination. Employers, housing providers, businesses, state agencies, and others covered by it will respect the law.

Objective: Increase opportunities to educate legislators, employers, housing providers and businesses on the Law Against Discrimination.

Strategy A: Conduct a well-organized campaign to educate legislators to help bring about excellence in constituent service.

Activity 1: Develop and implement a well thought-out, year-round plan to build and maintain legislative relationships.

Activity 2: When the budget permits, hire a qualified legislative analyst to assist the WSHRC.

Strategy B: Initiate agency complaints to enforce the Law Against Discrimination with wider scope and greater effectiveness.

Activity: Develop a Commission-initiated complaint process to identify and focus on respondents displaying possible systemic discrimination and/or patterns or policies of discrimination.

Goal # 3: Create a positive and productive work environment for employees.

Vision: Commission employees have a clear understanding of their individual roles and responsibilities. All employees are accountable for their work and feel empowered to perform and excel to meet individual and agency goals.

Objective: Increase customer satisfaction rating from HRC employees.

Strategy A: Encourage, support and recognize employees for their contributions.

Activity 1: Develop and implement a staff recognition and awards plan.

Activity 2: Bring in motivating civil rights speakers and other resources to encourage and support staff.

Strategy B: Increase opportunities for staff growth and development.

Activity: Develop and implement a career ladder for staff, including upward mobility and bridge positions.

Goal #4: Complete high quality investigations with timely decisions.

Vision: The Commission will exceed customer expectations in the quality of our work and prompt service, using state of the art technology support. The Commission will maintain high production that results in increased federal contract funding, and reduces peaks and valleys of effort.

Objective 1: Reduce the number of aging cases over 180 days old and successfully resolve those that remain.

Strategy: Monitor aging cases on a weekly basis through an improved database.

Activity 1: Develop a plan to obtain and implement a state-of-the-art database, accessible statewide, so that staff members can share and track files electronically.

Activity 2: Study and if feasible, develop and offer on-line alternative dispute resolution services to parties to more promptly resolve complaints in a less adversarial way.

Objective 2: Increase customer satisfaction ratings.

Strategy A: Be more responsive and accessible to our customers.

Activity 1: Establish agency requirements to maintain regular contacts with respondents and complainants.

Activity 2: Conduct more on-site visits, as necessary.

Strategy B: Improve case processing to be more prompt, efficient and consistent.

Activity: Manage performance and objectively evaluate staff with consistent performance accountability.

Appraisal of External Environment:

Economy

The high unemployment rate in this state has had significant impacts on the agency's workload. The state unemployment rate as of March 2004 was 6.2% compared to the national rate of 5.7%.

Historically, Hispanics, African-Americans, and people with disabilities have been adversely impacted by the highest unemployment rates. This correlates with our caseload: 25% of complaints filed allege national origin or race employment discrimination and 29% allege disability discrimination. Further, employment discrimination charges comprised 82% of all charges filed with the agency in FY 2002-03.

Without a job it is difficult for families to maintain and/or obtain housing. The fact that discrimination disproportionately affects minority groups, people with disabilities, new immigrants and farm workers in housing, has a direct impact on the workload of the agency.

Technology

Recent surveys of our customers indicated that 95% of businesses and 60% of complainants have access to email and the Internet. Even in rural and economically disadvantaged areas, access to new technology through public libraries and community centers throughout the state has improved. This creates opportunities for WSHRC to develop electronic training and education programs that will be faster, more cost effective, and able to reach a much broader customer base than present methods.

Other Considerations

Other major variables in the external environment, while difficult to predict, have significant impacts on WSHRC's staffing and caseloads. For example, news media and community events related to discrimination raise awareness among victims of discrimination and result in increased requests for services. After the 9-11 tragedy the number of calls relating to discrimination based on national origin and/or religion increased. Very similarly, cross-burning incidents in our state and the subsequent media coverage amplified the issue of discrimination.

Trends in Customer Characteristics

2003 Civil Legal Needs Study

In September 2003 the Washington State Supreme Court issued a groundbreaking study on the civil legal needs of low income and vulnerable people in Washington. This study indicated that more than a quarter of all legal problems experienced by low-income people were related to wrongful discrimination. Discrimination disproportionately affected most ethnic minorities, people with disabilities, immigrants and farm migrant workers.

This report revealed that nearly half of all low-income people with legal problems do not seek legal assistance because they do not know there are laws to protect them. The study showed that others believed they could not afford legal help or had difficulty seeking help due to language barriers.

Ethnic Communities Face Different Issues Of Discrimination

In Washington State the population trends show that between 1980 and 2000 the Hispanic population more than tripled. Currently the Hispanic population makes up 7.5% of the state's total population. In the nation, Hispanic and Asian populations are projected to triple over the next half century.

Census 2000 indicated that the state's percentage of population, age 5 and above, where the households had limited English proficiency rose from 3.7% in 1990 to 6.4% in 2000.

In many communities the issue of discrimination has an adverse impact on those with low income, especially those with language barriers. For example, North Central Washington attracts hundreds of low income Hispanics, many with limited English proficiency, to work in the orchards and packing sheds. The communities want the benefit of the low wage workers but often lack the social services and other infrastructure to meet the housing and employment needs of these workers. Many farmers lack bilingual management personnel, resulting in communication problems and leading to the possibility of alleged civil rights violations.

Census 2000 reported that 3000 people live within Seattle's International District boundaries; of these 70% are living on less than \$25,000/year and 67% have a primary language that is not English. These residents often face discriminatory practices that impact their entire community due to language barriers, socio-economic status and lack of political awareness.

Persons with Disabilities

According to the latest Lou Harris poll, 73% of working age people with disabilities are unemployed. In Washington State over 18% of the population are people with disabilities.

In FY 2002-03, 29% of all complaints filed with WSHRC alleged disability discrimination. Disability issues were the largest segment of complaints in employment, housing and in places of public accommodation. There is a steady increase in disability discrimination complaints. This can be attributed to three factors: first, employers, housing providers, businesses, state agencies, and others need training on disability discrimination because of its complexity and relative newness; second, as the working population ages so does the incidence of poor health and disabling conditions; and third, modern technology offers more opportunities for persons with disabilities to continue in or join the workforce.

According to Census 2000, there will be a significant increase in the number of older persons in the workplace. Nationally, by 2030 the population is expected to get older because the baby boomers, born between 1946 and 1964, will begin to turn 65 in 2011. By 2030, about one in five people will be 65 or over. As the population ages, health and disability problems increase. More people are working past retirement age, so there will be more people with disabilities in the workforce.

These trends provide resource challenges for our agency. The agency recognizes a need to modify service delivery to meet the needs of our customers by updating our technology and improve efficiency. On-line training on the law will enable our agency to reach more businesses. Similarly, on-line early dispute resolution will support the agency's efforts to increase access to all parties for prompt resolution of complaints. WSHRC is striving to provide customers with an accessible on-line system to file discrimination complaints. This will help eliminate the paperwork that is currently generated when a complaint is filed and will help reduce waiting time for customers.

Without adequate technology and funding it will be difficult for WSHRC to meet the increasing demands and changing needs of our customers and the state law.

Strategy and Capacity Assessment:

Over the last year, an agency reorganization distributed staff throughout the state to provide the agency more visibility to customers in rural areas, particularly in Eastern Washington.

Under the leadership of a new executive director, WSHRC will be reassessing duties and responsibilities of staff to more effectively realign our internal resources to meet the needs of our customers, new ways of doing business and changes in the law. Currently, WSHRC has a diverse staff that includes Spanish-speaking employees in each of our four offices to meet the needs of the growing Hispanic population.

This agency provides services to other refugee and new immigrant communities with limited English proficiency. To provide these services, the agency contracts with a language service agency. Language interpreters are costly and pose a financial impact on our budget. WSHRC anticipates an increase in the number of complaints filed by persons with limited English proficiency requiring interpreters and translators.

State-of-the-art technology will enable WSHRC to offer faster, more efficient services to customers with limited English proficiency. For example, with an on-line complaint system connected to a partnering agency, such as a Somali community center, the center's trained, bilingual staff would be able to immediately respond to a Somali speaking customer. The center's staff could have immediate access to WSHRC's on-line complaint system and/or request technical assistance to answer their clients' concerns.

Performance Assessment:

The WSHRC 2003-04 Performance Agreement with the Governor identified four performance goals to improve service to our customers.

Decrease Time to Process Complaints

This agency has had a history of complaint backlogs, which led to an increase in the number of aging cases. The staff was challenged with balancing resolution of those cases over 180 days old while using creative methods to resolve new complaints being filed. A small investigative team was very successful in reducing the number of aging cases. At the end of FY 2002-03, the agency had a baseline of 47% of new cases resolved within 180 days. By the end of the second quarter FY 2003-04, the agency had successfully resolved 50% of all new cases within 180 days.

Customer Satisfaction

WSHRC measured the percentage of customers (complainants) who gave a high mark (4 or 5) on an “overall customer satisfaction” question. At the end of FY 2002-03, 43% of customers surveyed rated the agency with a high mark (4 or 5) on the “overall customer satisfaction” question. At the end of the second quarter of FY 2003-04, 46% of customer surveys rated the agency with a high mark. The agency exceeded its goal of 45% for the period ending in FY 2003-04.

Training on the Law

WSHRC strives to increase awareness on the Law Against Discrimination for employers, housing providers, businesses, state agencies, and others throughout the state. Discrimination issues in the workplace can be very disruptive to the workforce and costly to businesses that have to defend themselves against such complaints and lawsuits. In FY 2002-03, WSHRC trained 1200 businesses across the state.

At the beginning of FY 2003-04, the agency was forced to reduce its target to 700 employers, housing providers, businesses, state agencies and others, due to limited resources. However, with updated technology the agency may have an opportunity to increase training and access to information on the law to businesses across the state. At the end of the second quarter, WSHRC was at 55% of its target goal for training businesses for FY 2003-04.

Expand Awareness to New Immigrants

Lastly, WSHRC focused on increasing awareness on the law to new immigrants and refugees who are difficult customers to reach due to language and cultural barriers. By the end of the second quarter, staff had provided 341 immigrants and refugees with education on the law; almost a fourth of our agency’s goal of educating 1500 new immigrants. To support our educational efforts, staff developed and prepared informational pamphlets and 2004 resource calendars in Spanish and Russian and also updated our website to provide information on the law in other languages. In late 2003 the agency partnered with two community organizations that provide services to predominately new immigrants. The agency is committed to working with these organizations to reach more immigrants and refugees who come under our jurisdiction.

Financial Health Assessment:

Federal Contracts

WSHRC has two federal funding contracts; one with the Equal Employment Opportunity Commission and the other with the U.S. Department of Housing and

Urban Development. With the poor economy and focus on the war against terrorism, there are already indications that less federal funding will be available for civil rights, particularly to programs that support persons with disabilities. These two federal contracts comprise 21% of our agency's annual budget.

Description of Cost Reduction Strategies:

WSHRC took several cost reduction measures across the board, without impacting services to our customers, except as noted above. The agency took the following actions:

1. Retrieved all state-issued cell phones from managers. Each office has a few cell phones available for staff to sign out as needed.
2. Reduced quarterly staff training to twice a year.
3. Terminated magazine, resource and newspaper subscriptions that were not essential to the agency's operation.
4. Returned one of three state-assigned cars to the motor pool and undertook to monitor the mileage on the two remaining vehicles for cost-effectiveness.
5. Terminated further requests for printing of the Revised Codes of Washington and their regulations, since they are now available on the Internet.
6. Limited the number of overnight Commission meetings.
7. Limited the amount of overnight travel to only essential activities.
8. Encouraged staff to hold meetings in facilities that do not charge fees.

In addition, WSHRC developed and implemented a new, but limited database to improve services to our customers by reducing staff response time. The database provided primary support to the telephone information unit by reducing paperwork and increasing efficiency in responding to inquiries.

In the near future, WSHRC seeks to expand the database and develop an on-line complaint filing system to provide an easier, more efficient process for our customers. WSHRC anticipates that with updated technology, it will significantly reduce duplication of case data entry, and allow all agency employees across the state access to case files electronically. This expansion will enable managers to more expeditiously review and approve investigative findings.

WSHRC is working to expand its efforts to collaboratively work with local, community and federal civil rights organizations, higher educational institutions, legal service agencies and advocacy groups towards eliminating and preventing discrimination. By joining forces, WSHRC expects to eliminate duplication of

work and share limited resources, with the goal of broadening and more effectively addressing discrimination issues.

Discussion of Activity Links and Major Partner:

Equal Employment Opportunity Commission

WSHRC has a long-standing partnership with the Equal Employment Opportunity Commission (EEOC). Under a worksharing agreement, WSHRC investigates and receives reimbursement for complaints that would otherwise be filed with EEOC under federal Law.

Each year WSHRC negotiates a new contract with the EEOC. Contract levels fluctuate in response to federal funding availability and the agency's internal capacity. The EEOC contract comprises almost 26% of our agency's annual allocated budget. EEOC dual-filed complaints represent about 75% of all cases closed by this agency and 95% of all employment cases resolved by this agency.

In 2002-03 WSHRC joined forces with EEOC to conduct monthly training for businesses throughout the state on employment discrimination laws.

U.S. Department of Housing and Urban Development (HUD)

WSHRC has a similar worksharing agreement with HUD to receive and conduct housing complaints that would otherwise be filed with HUD under federal law. HUD contract cases represent about 11% of all cases closed and 95% of all housing cases closed. The HUD contract represents 16% of WSHRC's allocated annual budget.

WSHRC has conducted several joint activities with HUD and other local civil rights groups. Each quarter our agency, HUD, the Seattle office for Civil Rights, and the Tacoma Human Rights Department conduct joint trainings on the Fair Housing Law for housing providers, attorneys, and other interested parties.

Partnerships with Community Service Organizations

In 2003 the staff developed and began worksharing partnerships with two community service organizations in efforts to reach new immigrant and refugee populations who struggle with language and cultural barriers. WSHRC partnered with the Washington State Migrant Council, which provides a variety of services to farmworker families, mostly Hispanic, in 11 rural counties. WSHRC also entered into a worksharing agreement with Jewish Family Services Multi-Ethnic Center to provide services to new immigrants in King and Snohomish counties.

The purpose of these partnerships was to provide easier access to information on the Law Against Discrimination to Hispanic farmworkers and Russian immigrants. WSHRC staff offered training on the law to partnership agency employees that provide direct services to their clients. WSHRC anticipates setting up an online intake referral system that will be accessible to partnership agency staff to assist victims of discrimination in their respective communities.

The Commissioners and staff have developed and maintained partnerships with several other human rights organizations throughout the state. These include the Whatcom Human Rights Task Force, the Thurston Council on Cultural Diversity and Human Rights, and the Kitsap County Council on Human Rights.

Risks, Obstacles, and Opportunities that the Agency Faces:

Low Productivity and Employee Morale

Over the last several years WSHRC has been challenged with several employee grievances reflecting a high level of dissatisfaction. This resulted in low production and morale throughout the organization. Some of the dissatisfaction was related to lack of proper tools and unbalanced staff resources to meet the needs of the customers. Other factors included lack of communication and/or discussion about activities and actions that impacted staff.

In March 2004 the Washington State Human Rights Commissioners appointed a new director. The new leadership is committed to swiftly addressing and responding to low production, employee concerns, credibility, and budget issues.

Technology

During a strategic planning session, the lack of available and adequate technology was identified as a major factor that will impact the entire agency's 2006-2011 goals.

Every key process that this agency implements to enforce the Law Against Discrimination would benefit from updated technology to improve effectiveness, reduce costs and deliver prompt, quality services to our customers.

Key Process	Current Process	Advantages of Technology
Intake: Responding to inquiries by phone or mail and drafting complaints, when appropriate	All calls are received by the intake staff in Olympia. Information is entered about the inquiry. All intake forms are generated by computer and mailed to inquirer. Inquirer completes forms and mails back to intake staff to draft a complaint. Notice and request for response of complaint mailed to respondents. Responses may take up to a month or longer, which delays case processing.	Would allow the trained partnership agency employees to assist their clients with an online intake referral system. Number of phone calls to intake staff would decrease. Notice of complaints to respondents could be emailed with electronic response. Electronic files would be set up at the time the complaint is drafted by intake staff. Eliminates duplication of data input throughout process.
Investigations/Early Dispute Resolution: Investigators gather information through interviews, request documents, conduct conferences, then draft investigative findings.	Gathering information is generally conducted by mail, interviews and conferences are conducted either in person or by phone. Investigative findings are mailed/forwarded to managers for review and approval. Revisions require returning file to staff.	Would allow staff to conduct on-line early dispute resolution to promptly resolve complaints. Updated data system would enable managers to review draft findings and request revisions without sending file or draft back to investigator.
Conciliations: Involves attempting to resolve complaints where a violation has occurred either by phone or through in-person conference. Drafting an agreement when resolved and collecting signatures.	Respondents are mailed an invitation to conciliate in a reasonable cause finding. A conference is scheduled by phone or in person. If resolution is attained, agreements are prepared and mailed out for signatures.	On-line conciliation conferences, similar to early dispute resolution conferences. Would expedite the routing of agreement for signatures.
Reconsiderations: Staff responds to written petitions from complainants for reinvestigation. Staff review and draft recommendations for the Commissioners. Parties are invited to address the Commissioners, and then a written notice is mailed with the final recommendation.	Complainants are mailed form to petition for reconsideration along with the approved investigative finding. Complainants submit request for reinvestigation in writing.	Would enable Complainants to file a petition via internet. This would expedite the process as it requires a response within 15 calendar days. Final notices could be emailed to all parties.
Compliance Review: Review and enforce all the agreements that the Commissioners approve to ensure compliance with all terms.	Basic tickler system is currently used by compliance review staff to track terms of agreements. Calls or letters are required to follow up on terms not in compliance. Letter mailed to party when all terms met.	Entry of all agreement terms entered into the electronic file at the time of agreement. Letters automatically generated when terms are not complied with or when compliance completed.

Training and Outreach: Educate businesses throughout the state on their responsibilities under the Law and educate those who may be victims of discrimination.	Businesses or community organizations request training by phone. Staff involved in coordinating, scheduling and conducting. Currently limited resources to provide training.	On-line training could be provided to both businesses and to persons who have rights under the Law. Decrease staff resources and travel costs.

Personnel Reform 2005

WSHRC needs to assess how PR 2005 will benefit or impact the work of this agency in reaching its goals. PR 2005 may offer the agency some cost efficiency options or improved alternatives to meeting and exceeding the needs of our customers. Productivity enhancements and cost savings may be possible.

WSHRC expects to identify and seek out services that are duplicated within state, federal, and local government, then work collaboratively to minimize or eliminate duplication.

Internal Resources Assessment:

The Washington Supreme Court Civil Legal Needs study indicated that nearly half of low-income households have access to and the capacity to use the Internet. WSHRC will strive to seek funding that will provide state of the art technology to improve and expand services to protected class members who are low-income, to rural populations, and to persons with disabilities.

WSHRC anticipates expanding our efforts to provide materials and website information on the Law in other languages, and to emphasize the need to provide such services by covered entities, including other state agencies.

The new leadership will have an opportunity to examine internal resources that have been underutilized. Through the strategic planning process, the Executive Director and Commissioners identified specific voids in personnel that need to be addressed in order to support the agency in meeting its goals.

The Commissioners and the Executive Director are committed to addressing the low production and employee morale concerns that negatively affect our ability to accomplish our mission, goals and objectives.